

ENTERED

May 08, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JARVIS DUGAS,

Plaintiff,

VS.

THE STATE OF TEXAS, *et al*,

Defendants.

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CIVIL NO. 2:19-CV-16

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R") to Deny Plaintiff's Motion for Default Judgment, Dkt. Nos. 56, 58. The Court is also in receipt of Plaintiff Jarvis Dugas ("Dugas") Objections to the M&R, Dkt. No. 64.

The Magistrate Judge recommends denying Dugas' motion for default judgment against "Steven Ekearel." Dkt. No. 58 at 3. "Steven Ekearel" was a misidentified Defendant who was properly identified as Officer Steven Eckert ("Eckert"). *Id.* The misidentification was brought to the Court's attention on August 26, 2019; service was ordered on Eckert on October 11, 2019; and Eckert answered on October 16, 2019. *Id.* at 2.

Accordingly, the Magistrate Judge recommends concluding that Dugas is not entitled to default judgment as an answer was filed in a timely fashion. *Id.* at 3. Dugas's objections relate to the merits of the case and not to the denial of default judgment. Dkt. No. 64.

After independently reviewing the record, filings, and applicable law the Court **ADOPTS** the M&R in its entirety, Dkt. Nos. 56, 58, and **OVERRULES**

Dugas's objections, Dkt. No. 64. The Court **DENIES** Dugas's motion for default judgment, Dkt. No. 54

SIGNED this 7th day of May, 2020.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle
Senior United States District Judge